

AMENDED IN ASSEMBLY APRIL 5, 2010  
AMENDED IN ASSEMBLY MARCH 15, 2010  
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1883**

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**Introduced by Assembly Member Evans**

February 16, 2010

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An act to add and repeal Section 103628.4 of the Health and Safety Code, and to add and repeal Section 18309.7 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as amended, Evans. Certified copies of vital records: fees: domestic violence.

Existing law requires the collection of fees for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records.

Existing law authorizes the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to a certain maximum amount. Existing law, until January 1, 2011, authorizes the Solano County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law, until January 1, 2015, authorizes the Sonoma County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law authorizes the above-described county boards of supervisors and that city council

to make further increases in fees each year, as specified. Existing law requires the fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill, until January 1, 2016, would authorize a county board of supervisors, upon making certain findings and declarations, to authorize an increase in fees of up to \$4 for certified copies of certain vital records. The bill would require that ~~one-half~~ <sup>1</sup>/<sub>2</sub> of the fee increase be allocated for purposes relating to domestic violence prevention, intervention, and prosecution and the other ~~half~~ <sup>1</sup>/<sub>2</sub> of the fee increase be allocated for nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.

This bill, until January 1, 2016, notwithstanding the above-described authorization, would authorize the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. This bill, until January 1, 2011, notwithstanding the above-described authorization, would authorize the Solano County Board of Supervisors, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. This bill, until January 1, 2015, notwithstanding the above-described authorization, would authorize the Sonoma County Board of Supervisors, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. The bill would require proceeds from the above-described fee increases to be allocated for nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.

This bill would provide that when the authorization for the fee increase of up to \$2 ends for Solano County and Sonoma County on January 1, 2011, and January 1, 2015, respectively, the above-described provisions authorizing an increase in fees of up to a maximum of \$4 shall apply with respect to those counties.

This bill would require that, prior to using the fee proceeds, a county board of supervisors or the City Council of the City of Berkeley provide for public hearings and comment on the specific manner in which funds are to be used and confer with its local domestic violence shelter or shelters before determining the specific manner in which funds are to be used.

The bill would require a county board of supervisors or the City Council of the City of Berkeley to submit to the Assembly and Senate

Committees on Judiciary, by ~~December 31~~ *February 1*, 2015, a report regarding the above fee increases, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) According to the 2005 California Women's Health Survey,  
4 in California, 9.2 percent of women live in homes where domestic  
5 violence abuse occurs and 40 percent of women experience  
6 domestic violence in their lifetimes. Domestic violence is  
7 ubiquitous and cuts across all economic and education levels and  
8 all age groups, ethnicities, and other social and community  
9 characteristics.

10 (b) According to 2006 statistics from the federal Bureau of  
11 Justice Statistics, in nearly ~~half~~ *one-half* of violent crimes in which  
12 the victim and the aggressor are related, the aggressor is either the  
13 spouse or ex-spouse of the victim. ~~Marriage license fees~~ *Fees for*  
14 *certified copies of marriage certificates* collected pursuant to this  
15 act will help communities intervene and prevent domestic violence  
16 when the aggressor is the spouse or ex-spouse of the victim.

17 (c) According to the National Woman Abuse Prevention Project  
18 in Washington, D.C., domestic violence puts children at risk.  
19 Children born into families where domestic violence occurs are  
20 physically abused or seriously neglected at a rate that is  
21 significantly higher than the national average in the general  
22 population. ~~Birth certificate fees~~ *Fees for certified copies of birth*  
23 *certificates* collected pursuant to this act will help communities  
24 with the cost of ensuring that children who are born into families  
25 with domestic violence receive the help they need.

26 (d) Studies show more than 10 percent of women are victims  
27 of domestic violence during pregnancy. According to a January  
28 2009 study published in The Lancet (a British medical journal),  
29 pregnant women who are assaulted by their spouses are 50 percent  
30 more likely to experience fetal loss, often repeatedly, than women  
31 who are not abused during pregnancy. Women who are battered  
32 during pregnancy are also more likely to die or have children who  
33 are born prematurely with low birth weights and intense medical

1 needs. ~~Fetal death certificate fees~~ *Fees for certified copies of fetal*  
2 *death certificates collected pursuant to this act* will help  
3 communities with what it costs to ensure that pregnant women  
4 with violent spouses receive help, protection, and care for their  
5 unborn children and infants.

6 (e) Domestic violence is a learned behavior and generational.  
7 Studies show that boys who witness family violence are 100 times  
8 more likely to batter their female partners and girls who witness  
9 their mother's abuse are more likely to be battered as adults.

10 (f) Domestic violence costs are high because, not only is there  
11 a toll on families emotionally and financially, but there are also  
12 direct and hidden costs to society. The most direct costs are the  
13 high costs of law enforcement, civil and criminal justice, and health  
14 services and other community-based services. Less direct and  
15 visible costs include job turnover, loss of productivity, school  
16 absenteeism, and low performance in school.

17 (g) For more than 30 years, a portion of marriage license fees  
18 have supported domestic violence shelters. However, these fees  
19 have been limited to nonprofit organizations that operate shelter  
20 facilities to house victims. Due to funding reductions to domestic  
21 violence programs and an increasing demand for services, shelters  
22 are unable to partner with community-based organizations that  
23 provide critical services for preventing and stopping domestic  
24 violence, such as education and outreach programs, job counseling,  
25 free legal assistance and filing of restraining orders, job skills  
26 training programs, housing services, and culturally and  
27 linguistically appropriate counseling or assistance.  
28 Community-based domestic violence programs provide critical  
29 support services to domestic violence victims by raising awareness,  
30 which is the first step toward preventing and reducing family  
31 violence and getting the help they need to find stability, health,  
32 well-being, and justice.

33 (h) Domestic violence requires multifaceted intervention that  
34 encourages civil, criminal, health, and social service sectors to  
35 work together to align the objectives, protocols, policies, and  
36 activities of each sector. Achieving the alignment, which requires  
37 governmental oversight and coordination of multiple agencies  
38 involved in domestic violence matters, is an essential link in the  
39 comprehensive effort to eliminate domestic violence.

1 SEC. 2. Section 103628.4 is added to the Health and Safety  
2 Code, to read:

3 103628.4. (a) (1) Except as provided in paragraphs (2) to (4),  
4 inclusive, a county board of supervisors, upon making findings  
5 and declarations on the need for governmental oversight and  
6 coordination of the multiple agencies dealing with domestic  
7 violence and the need for funding for community-based domestic  
8 violence programs, may authorize an increase of up to four dollars  
9 (\$4) in fees imposed for providing certified copies of marriage  
10 certificates, birth certificates, fetal death records, and death records.

11 (2) Notwithstanding paragraph (1), the Contra Costa County  
12 Board of Supervisors, the Alameda County Board of Supervisors,  
13 and the City Council of the City of Berkeley, upon making findings  
14 and declarations on the need for funding for community-based  
15 domestic violence programs, may authorize an increase of up to  
16 two dollars (\$2) in fees imposed for providing certified copies of  
17 marriage certificates, birth certificates, fetal death records, and  
18 death records.

19 (3) (A) Until January 1, 2011, notwithstanding paragraph (1),  
20 the Solano County Board of Supervisors, upon making findings  
21 and declarations on the need for funding for community-based  
22 domestic violence programs, may authorize an increase of up to  
23 two dollars (\$2) in fees imposed for providing certified copies of  
24 marriage certificates, birth certificates, fetal death records, and  
25 death records.

26 (B) On and after January 1, 2011, paragraph (1) shall apply with  
27 respect to the Solano County Board of Supervisors.

28 (4) (A) Until January 1, 2015, notwithstanding paragraph (1),  
29 the Sonoma County Board of Supervisors, upon making findings  
30 and declarations on the need for funding for community-based  
31 domestic violence programs, may authorize an increase of up to  
32 two dollars (\$2) in fees imposed for providing certified copies of  
33 marriage certificates, fetal death records, and death records.

34 (B) On and after January 1, 2015, paragraph (1) shall apply with  
35 respect to the Sonoma County Board of Supervisors.

36 (b) The fee increase authorization for certified copies of vital  
37 records pursuant to paragraphs (2) to (4), inclusive, of subdivision  
38 (a), with respect to the Contra Costa County Board of Supervisors,  
39 the Alameda County Board of Supervisors, the City Council of  
40 the City of Berkeley, the Solano County Board of Supervisors,

1 and the Sonoma County Board of Supervisors, shall be in addition  
2 to the fee increase authorization for those counties and that city  
3 pursuant to Sections 103626, 103627, 103628, and 103628.2,  
4 respectively.

5 (c) Revenue from the fees authorized pursuant to subdivision  
6 (a) shall be allocated pursuant to Section 18309.7 of the Welfare  
7 and Institutions Code.

8 (d) If it elects to increase fees pursuant to this section, a county  
9 board of supervisors or the City Council of the City of Berkeley  
10 shall submit to the Assembly and Senate Committees on Judiciary  
11 a report no later than ~~December 31~~ *February 1*, 2015. The report  
12 shall contain the following information:

13 (1) The annual amounts of funds received and expended from  
14 fee increases.

15 (2) Outcomes achieved as a result of the activities associated  
16 with the implementation of this section.

17 (e) This section shall remain in effect only until January 1, 2016,  
18 and as of that date is repealed.

19 SEC. 3. Section 18309.7 is added to the Welfare and  
20 Institutions Code, to read:

21 18309.7. (a) A county board of supervisors shall direct the  
22 local registrar, county recorder, and county clerk to deposit fees  
23 collected pursuant to Section 103628.4 of the Health and Safety  
24 Code into a special fund.

25 (b) Proceeds from the fee increase collected pursuant to  
26 paragraph (1) of subdivision (a) of Section 103628.4 of the Health  
27 and Safety Code shall be allocated as follows:

28 (1) ~~One-half~~ *One-half* of the fee for governmental oversight and  
29 coordination of domestic violence and family violence prevention,  
30 intervention, and prosecution efforts among the court system, the  
31 district attorney's office, the public defender's office, law  
32 enforcement, the probation department, mental health, substance  
33 abuse, child welfare services, adult protective services, and  
34 community-based organizations and other agencies working in the  
35 county in order to increase the effectiveness of prevention, early  
36 intervention, and prosecution of domestic and family violence.

37 (2) ~~One-half~~ *One-half* of the fee for nonprofit, community-based  
38 organizations that serve domestic violence victims and their  
39 families, including, but not limited to, organizations that serve  
40 underserved communities, including the lesbian, gay, bisexual,

1 and transgender community, ethnic and racial communities, the  
2 disabled community, and the elderly.

3 (c) Proceeds from the fee increase collected pursuant to  
4 paragraph (2) of, subparagraph (A) of paragraph (3) of, and  
5 subparagraph (A) of paragraph (4) of, subdivision (a) of Section  
6 103628.4 of the Health and Safety Code shall be allocated for  
7 nonprofit, community-based organizations that serve domestic  
8 violence victims and their families, including, but not limited to,  
9 organizations that serve underserved communities, including the  
10 lesbian, gay, bisexual, and transgender community, ethnic and  
11 racial communities, the disabled community, and the elderly.

12 (d) Funding available to nonprofit, community-based  
13 organizations pursuant to paragraph (2) of subdivision (b) and  
14 subdivision (c) shall be awarded to the organization through a  
15 competitive request for proposal process.

16 (e) Prior to using the funds collected pursuant to Section  
17 103628.4 of the Health and Safety Code, the county board of  
18 supervisors or the City Council of the City of Berkeley shall do  
19 both of the following:

20 (1) Provide for public hearings and comment on the specific  
21 manner in which funds are to be used.

22 (2) Confer with its local domestic violence shelter or shelters  
23 before determining the specific manner in which funds are to be  
24 used.

25 (f) This section shall remain in effect only until January 1, 2016,  
26 and as of that date is repealed.